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VIA EMAIL

March 9, 2018

Mr. W. Bevis Schock
Attorney at Law
7777 Bonhomme Ave., Ste 1300
Clayton, MO 63105

Re: 4:16CV01175 JAR

Dear Mr. Schock:

Please let this letter serve as a response to your 22 page, 92 question plus subparts, "Deposition Questions" directed to my client, Ms. Pamela Hupp. As was previously indicated to you, Ms. Hupp, through counsel, is invoking her rights pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Article I, Sections 2, 10 and 18(a), 19 and 21 of the Missouri Constitution to refuse to answer questions in *Faria v. McCarrick*, et al., Cause 4:16CV01175. Ms. Hupp is presently charged in 1611-CR4519-01 in St. Charles County with murder in the first degree and the State has given Notice that it intends to seek the death penalty. The State of Missouri has indicated that it may seek to introduce in either guilt or penalty phase at Ms. Hupp's trial information related to the murder of Betsy Faria and your client's trial and previous conviction.

There can be no legitimate responses to argumentative questions you put to Ms. Hupp. I cite as an example your "Question" #15, "When you were interviewed on December 28, 2011, the morning after the murder and then again on the evening of December 29, 2011 was it your intention to draw law enforcement's intention (sic) to Russ Faria as a suspect in the murder of Betsy Faria?" Even an answer of "yes" or "no" or "I invoke my rights" could lead the State to draw an adverse inference against Ms. Hupp. As such, Ms. Hupp will not be responding to your "Deposition Questions" on advice of counsel in the pending criminal matter.

Sincerely,

/s/ Kim C Freter

Kim C. Freter
Attorney at Law

Cc: Joel Schwartz, Nathan Swanson, Joel Brett, Byron Hale, Chris Heigele, Stephen Coronado, J.C. Pleban, Chet Pleban, Steven Kratky, Jason Retter, and Robert Krehbiel

EXHIBIT
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